#### **Selected References on Environmental Conflict Resolution**

# U.S. Institute for Environmental Conflict Resolution Morris K. Udall Foundation Tucson, Arizona

#### October 2000

### **Books, Reports and Bibliographies**

Amy, Douglas (1987). <u>The Politics of Environmental Mediation</u>. New York, NY: Columbia University Press.

Bacow, Lawrence S. and Wheeler, Michael (1984). <u>Environmental Dispute Resolution</u>. New York, NY: Plenum Press.

Baldwin, Pamela L. (1978). *Environmental Mediation, an Effective Alternative: A Report of a Conference*. Sponsored by RESOLVE, Inc., Aspen Institute for Humanistic Studies, and the Sierra Club. Palo Alto, CA: RESOLVE, Inc.

Bankert, Lynne S. and Flint, R. Warren (eds) (1988). <u>Environmental Dispute Resolution in the Great Lakes Region: A Critical Appraisal</u>. Buffalo, NY: State University of New York at Buffalo.

Bazerman, M.H.; Lewicki, R.J.; and Sheppard, B.H. (eds) (1991). <u>Research on Negotiations in</u> Organizations. Greenwich, CT: JAI Press Inc.

Bellman, Howard S.; Sampson, Cynthia; and Cormick, Gerald W. (1982). <u>Using Mediation When Siting Hazardous Waste Management Facilities</u>. <u>A Handbook</u>. Washington, DC: U.S. Environmental Protection Agency.

Bergman, E. J. A. B. and John, G. (1998). <u>Court-Annexed Mediation: Critical Perspectives on Selected State and Federal Programs</u>. Bethesda, Maryland: Pike & Fischer, Inc.

Bingham, Gail (1997). *Seeking Solutions: Alternative Dispute Resolution and Western Water Issues*. Report submitted by Gail Bingham of RESOLVE, Inc. to the Western Water Policy Review Advisory Commission, P.O. Box 25007, D-5010, Denver, CO 80225.

\_\_\_\_\_ (1986). <u>Resolving Environmental Disputes A Decade of Experience</u>. Washington, DC: The Conservation Foundation.

Blackburn, J. Walton and Bruce, Willa (1995). <u>Mediating Environmental Conflicts: Theory and Practice</u>. Westport, CN: Quorum Books.

Burgess, H. and Burgess, G. M. (1997). <u>Encyclopedia of Conflict Resolution</u>. Santa Barbara, CA: Abc-Clio.

Carpenter, Susan L. and Kennedy, W.J.D. (1988). <u>Managing Public Disputes</u>. San Francisco: Jossey-Bass Publishers.

Council on Environmental Quality (CEQ) (1981). <u>Environmental Conflict Management</u>. Washington, DC: CEQ, Executive Office of the President.

Crowfoot, James E. and Wondolleck, Julia M. (1990). <u>Environmental Disputes. Community Involvement in Conflict Resolution</u>. Washington, DC: Island Press.

Cuero, John (1997). <u>Environmental Conflict Resolution in Indian Country</u>. Tucson, AZ: College of Law, The University of Arizona.

Curpen, Radha, and Bell, Derek. (2000). *Statutory Influences on ADR in Canada*. Osler, Hoskin & Harcourt LLP.

Davis, Charles (ed) (1997). Western Public Lands and Environmental Politics. Boulder, CO: Westview Press.

Emerson, Kirk; Movius, Hal; and Dryden, Garri. (1997). *Trouble in Tortuga! A Rangeland Conflict Simulation Exercise*. Udall Center for Studies in Public Policy, Tucson, AZ: The University of Arizona.

Faure, Guy Olivier and Rubin, Jeffery Z. (eds) (1993). <u>Culture and Negotiation: The Resolution of Water Disputes</u>. Thousand Oaks, CA: Sage Publications.

Foreman, C. H. (1998). <u>The Promise and Peril of Environmental Justice</u>. Washington, DC: Brookings Institution.

Frankena, Frederick and Frankena, Joanne (1988). <u>Environmental Mediation: A Bibliography</u>. Monticello, IL: Vance Bibliographies.

Gamman, John K. (1994). <u>Overcoming Obstacles in Environmental Policymaking: Creating Partnerships through Mediation</u>. Albany, NY: State University of New York Press.

Garraty, Robert G. (1991). <u>The Mediation of Public Disputes</u>. Harrisburg, PA: Pennsylvania Milrite Council.

General Accounting Office (1997). Alternative Dispute Resolution: Employers' Experiences with ADR in the Workplace. Washington, DC.

Goldberg, Stephen B.; Sander, Frank E.A.; and Rogers, Nancy H. (1992). <u>Dispute Resolution.</u> <u>Negotiation, Mediation and Other Processes</u>. Boston, MA: Law School Casebook Series. Little, Brown and Company.

Hopmann, P. Terrence (1998). <u>The Negotiation Process and the Resolution of International Conflicts</u>. Columbia, SC: University of South Carolina.

Institutes, G. (1999). <u>Environmental Statutes</u>. Rockville, MD: Government Institutes, a division of ABS Group Inc.

Jacobs, Harvey M. (1988). Predicting the Utility of Environmental Mediation: Natural Resource and Conflict Typologies as a Guide to Environmental Conflict Assessment. Madison, WI: Institute for Legal Studies, University of Wisconsin School of Law.

Jacobs, Harvey M. and Rubino, Richard (1987). *Environmental Mediation: An Annotated Bibliography*. Chicago, IL: Council of Planning Librarians.

Jones, Robert J. (ed) (1986). *Regulatory Negotiation Issue. Dispute Resolution Forum*. Washington, DC: National Institute for Dispute Resolution.

Kettl, D. F. and Milward, H. B. (1996). <u>The State of Public Management</u>. Baltimore, MD: The Johns Hopkins University Press.

Kressel, K. and Pruitt, D. (1989). Mediation Research. San Francisco, CA: Jossey-Bass.

Lach, Denise H. (1993). "Legitimation Processes in Environmental Dispute Resolution: A Case Study." Dissertation. University of Oregon, Eugene.

Lake, Laura M. (ed) (1980). <u>Environmental Mediation The Search for Consensus</u>. Boulder, CO: Westview Press.

Lake, Robert W. (ed) (1987). <u>Resolving Locational Conflict</u>. New Brunswick, NJ: Center for Urban Policy Research, Rutgers State University of New Jersey.

Lewicki, Roy. J.; Saunders, David M.; and Minton, John W. (1999). <u>Negotiation</u>. Boston, MA: Irwin/McGraw-Hill. 528 p.

MacRae, D. and Whittington, D. (1997). <u>Expert Advice for Policy Choice: Analysis and Discourse.</u> Washington, DC: Georgetown University Press.

Marseille, Claudia (1983). *Conflict Management: Negotiating Indian Water Rights. Western Natural Resources Policy Series* 102. Cambridge, MA: Lincoln Institute of Land Policy.

McCarthy, Jane and Shorett, Alice (1984). <u>Negotiating Settlements: A Guide to Environmental Mediation</u>. New York, NY: American Arbitration Association.

McCool, Daniel (1995). <u>Waters of Zion: The Politics of Water in Utah</u>. Salt Lake City, UT: University of Utah Press.

Meeks, Gordon (1985). <u>Managing Environmental and Public Policy Conflicts: A Legislator's Guide</u>. Denver, CO: National Conference of State Legislators.

Mernitz, Scott (1980). <u>Mediation of Environmental Disputes A Sourcebook</u>. New York, NY: Praeger Press.

Miller, Jeffrey G. and Colosi, Thomas R. (1989). <u>Fundamentals of Negotiation: A Guide for Environmental Professionals</u>. Washington, DC: Environmental Law Institute.

Mills, Miriam K. (ed) (1991). <u>Alternative Dispute Resolution in the Public Sector</u>. Chicago, IL: Nelson-Hall.

Mills, Miriam K. (1990). Conflict Resolution and Public Policy. New York, NY: Greenwood Press.

Moore, Christopher W. (1986). <u>The Mediation Process. Practical Strategies for Resolving Conflict.</u> San Francisco, CA: Jossey-Bass Publishers.

Musgrave, R. S. and Flynn-O'Brien, J. (1998). <u>Federal Wildlife Laws Handbook</u>. Rockville, MD: Government Institutes.

Nagel, Stuart S. and Mills, Miriam K. (eds) (1991). <u>Systematic Analysis in Dispute Resolution</u>. New York: Quorum Books.

O'Leary, R. (1999). <u>Managing for the Environment: Understanding the Legal, Organizational, and Policy Challenges</u>. San Francisco, CA: Jossey-Bass.

Policy Consensus Initiative. (1999). <u>A Practical Guide to Consensus</u>. Bismark, ND: Policy Consensus Initiative.

Pike, R. W. and Arch, D. (1997). *Dealing With Difficult Participants: 127 Practical Strategies for Minimizing Resistance and Maximizing Results in Your Presentations*. San Francisco, CA; Minneapolis, MN: Jossey-Bass/Pfeiffer; Creative Training Techniques Press.

Rajagopal, R. (ed) (1980). <u>Environmental Mediation & Conflict Management: A Selection of Papers Presented at the 5th Annual Conference of the NAEP</u>. Washington, DC. April 21-23, 1980. Pergamon Press, Elsevier Science, Inc.

Rovers, Frank A. (2000). The Use of Technical Experts and High Tech Tools in Alternative Dispute Resolution. (The Technical Experts Perspective). Waterloo, Ontario Canada. Conestoga-Rovers & Associates.

Rivkin, Malcolm D. (1977). <u>Negotiated Development: A Breakthrough in Environmental Controversies</u>. Washington, DC: The Conservation Foundation.

Rubino, Richard G. (1990). *Mediation and Negotiation for Planning, Land Use Management, and Environmental Protection: An Annotated Bibliography of Materials*. 1980-1989. Chicago, IL: Council of Planning Librarians.

Sarat, Austin and Silbey, Susan S. (eds) (1991). "Neutrality as a Discursive Practice: The Construction and Transformation of Narratives in Community Mediation." In: <u>Studies in Law, Politics, and Society</u> Volume 11: 69-91. Greenwich, CT: JAI Press Inc.

Scharf, V. Lee (1997). Environmental Dispute Resolution Annotated Bibliography.

Scheberle, D. (1997). <u>Federalism and Environmental Policy: Trust and the Politics of Implementation</u>. Washington, DC: Georgetown University Press.

Schmeidler, Emilie (1988). *Getting to Maybe: Decisions on the Road to Negotiation in Hazardous Waste Facility Siting.* New Brunswick, NJ: Environmental Communication Research Program, Rutgers University.

Silbey, Susan S. and Sarat, Austin (eds) (1992). *Trends and Opportunities in Disputing Research: A Workshop of the Fund for Research on Dispute Resolution*. In: <u>Studies in Law, Politics, and Society</u> Volumes 12A and 12B. Greenwich, CT: JAI Press Inc. 445 p.

Sjostedt, Gunnar (ed) (1993). <u>International Environmental Negotiation</u>. Newbury Park, CA: Sage Publications.

Stokes, Sarah (1997). From Treaty to Trust: Considerations for Resolving Tribal Government-to-Government Disputes over Natural Resources. Submitted to the Tulalip Tribes of Washington and the Harvard Native American Program.

Sullivan, T. F. P. (ed) (1999). <u>Environmental Law Handbook</u>. Rockville, MD: Government Institutes, a division of ABS Group Inc.

Susskind, Lawrence; Bacow, Lawrence; and Wheeler, Michael (eds) (1983). <u>Resolving Environmental</u> Regulatory Disputes. Cambridge, MA: Schenkman, Publishing Co.

Susskind, L., and Cruikshank, Jeffrey (1987). <u>Breaking the Impasse. Consensual Approaches to Resolving Public Disputes</u>. New York, NY: Basic Books.

Susskind, L. and Field, P. (1996). <u>Dealing With an Angry Public: The Mutual Gains Approach to Resolving Disputes</u>. New York, NY: The Free Press.

Susskind, L.; McKearnan, Sarah; and Thomas-Larmer, Jennifer (1999). <u>The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement</u>. Thousand Oaks, CA: Sage Publications. 1147 p.

Susskind, L.; Richardson, James R.; and Hildebrand, Kathryn J. (1978). *Approaches to Intervention*, *Negotiation, and Conflict Resolution*. Cambridge, MA: Massachusetts Institute of Technology. Laboratory of Architecture and Planning. Environmental Impact Assessment Project.

Susskind, L., van der Wansem, Meike, and Ciccarelli, Armand. (2000). <u>Mediating Land Use Disputes, Pros and Cons</u>. Cambridge, MA: Lincoln Institute of Land Policy.

Talbot, Allan R. (1983). <u>Settling Things: Six Case Studies in Environmental Mediation</u>. Washington, DC: Conservation Foundation.

Talbot, A. R. and Lee, Kai N. (1981). *Environmental Mediation: Three Case Studies - The Island, The Highway, The Ferry Terminal.* Seattle, WA: Institute for Environmental Mediation.

Titerle, Jim, and Hughes, Nicholas R. (2000). What we learned in Atlandta: *The Use of Experts and High Tech Tools in Mediations*. Vancouver, British Columbia: McCarthy Tetrault.

Tolba, M. K. and Rummel-Bulska, I. (1998). <u>Global Environmental Diplomacy: Negotiating Environment Agreements for the World, 1973-1992</u>. Cambridge, MA: Massachusetts Institute of Technology Press. 212 p.

Udall Center for Studies in Public Policy (1998). *Environmental Conflict Resolution in the West: Conference Proceedings*, April 4-5, 1997. Tucson, AZ: The University of Arizona.

Udall Center for Studies in Public Policy (1998). *Public Input Digest for the Upper San Pedro River Initiative and Appendices*. Prepared for The Commission for Environmental Cooperation. Tucson, AZ: The University of Arizona.

Udall Center for Studies in Public Policy (eds) (1998). *Digest of the Pygmy-Owl Forum, A Public Meeting January* 7, 1998. Tucson, AZ: The University of Arizona.

U.S. Environmental Protection Agency (1982). *Using Mediation When Siting Hazardous Waste Management Facilities*. SW-944. Washington, DC. US GPO.

Ury, William L.; Brett, Jeanne M.; and Goldberg, Stephen B. (1993). *Getting Dispute Resolved*. *Designing Systems to Cut the Costs of Conflict*. Cambridge, MA: Program on Negotiation at Harvard Law School.

White, Mary Ray; Valdez, Felix D.; and White, Michael D. (1980). *Instream Flow Negotiation: Review of Practices*. FWS/OBS-80/53. Washington, DC: U.S. Fish and Wildlife Service, U.S. Department of Interior.

Wondolleck, Julia (1988). <u>Public Lands Conflict and Resolution: Managing National Forest Disputes</u>. New York, NY: Plenum Press.

Young, O. R. (1999). <u>The Effectiveness of International Environmental Regimes: Causal Connections and Behavioral Mechanisms</u>. Cambridge, MA: Massachusetts Institute of Technology Press.

Zack, A. (1985). Public Sector Mediation. Washington, DC: Bureau of National Affairs.

### **General Review Articles**

Bingham, L. B. and C. R. Wise (1996). "The Administrative Dispute Resolution Act of 1990: How Do We Evaluate Its Success?" *Journal of Public Administration Research and Theory* 6 (3): 383-414.

Campbell, M. C. and D. W. Floyd (1996). "Thinking Critically About Environmental Mediation." *Journal of Planning Literature* 10 (3): 235-247.

Collins, Richard C. (1990). "The Emergence of Environmental Mediation." (10th Anniversary Issue). *Virginia Environmental Law Journal* 10 (Fall): VI-X.

Harter, Philip J.; Thomas, Lee M.; McMurray, Kay; Fleming, Robben W.; and Millhauser, Marguerite (1987). "Institutionalizing Alternative Dispute Resolution: Where Does the Government Go from Here?" *Administrative Law Journal* 1 (Fall): 509-525.

Kahn, P.H. (1994). "Resolving Environmental Disputes-Litigation, Mediation and the Courting of Ethical Community." *Environmental Values* 3 (3): 211-228.

Kochan, T. and Jick, T. (1978). "The Public Sector Mediation Process: A Theory and Empirical Examination." *Journal of Conflict Resolution* 22: 207-240.

Kolb, Deborah M. and Rubin, Jeffrey Z. (1991). "Mediation through a Disciplinary Prism." In: Bazerman, M.H.; Lewicki, R.J.; and Sheppard, B.H. (eds) (1991). <u>Research on Negotiations in Organizations</u>. Greenwich, CT: JAI Press Inc., pp. 231-258.

Kressel, Kenneth and Pruitt, Dean (1985). "Themes in the Mediation of Social Conflict." *Journal of Social Issues* 41: 179-198.

Kubasek, Nancy and Silverman, Gary (1988). "Environmental Mediation." *American Business Law Journal* 26 (3): 533-555.

Landis-Stamp, Paul (1991). "The Mediation of Environmental Conflicts." In: Woodhouse, Tom (ed) Peacemaking in a Troubled World. New York: St. Martin's Press.

Levy, Lester, J. (1995) "The Evolution of Environmental ADR." Environmental Law (Autumn).

MacNaughton, A. L. (1996). "Collaborative Problem-Solving in Environmental Dispute Resolution." *Natural Resources and Environment* 11(1): 3-6; 70.

McCrory, John P. (1981). "Environmental Mediation-Another Piece for the Puzzle." *Vermont Law Review* 6 (Spring): 49-84.

O'Connor, David (1978). "Environmental Mediation: The State-of-the-Art?" *Environmental Impact Assessment Review* 2 (October): 9-17.

O'Leary, Rosemary (1994). "Environmental Mediation: What Do We Know and How Do We Know It? In: Blackburn, J. Walton and Bruce, Willa (1995). <u>Mediating Environmental Conflicts: Theory and Practice</u>. Westport, CT: Quorum Books

Painter, An (1988). "The Future of Environmental Dispute Resolution." *Natural Resources Journal* 28 (1): 145-170.

Phillips, Barbara A. and Piazza, Anthony C. (1984). "The Role of Mediation in Public Interest Disputes." *Hastings Law Journal* 34 (5/6): 1231-1244.

Porter, Richard C. (1988). "Environmental Negotiation: Its Potential and its Economic Efficiency." *Journal of Environmental Economics and Management* 15: 129-42.

Rabe, Barry G. (1991). "Impediments to Environmental Dispute Resolution in the American Political Context." In: Mills, Miriam K. (ed). <u>Alternative Dispute Resolution in the Public Sector</u>. Chicago, IL: Nelson-Hall. pp.143-163. (previously published as "The Politics of Environmental Dispute Resolution." *Policy Studies Journal* 16 (3): 585-601.

Riesel, Daniel (1985). "Negotiation and Mediation of Environmental Disputes." *Ohio State Journal of Dispute Resolution* 1 (Spring): 300-330.

Reuben, R. C. (1996). "The Lawyer Turns Peacemaker." ABA Journal 82: 54-62.

Sachs, Andy (1982). "Nationwide Study Identifies Barriers to Environmental Negotiation." *Environmental Impact Assessment Review* 3 (March): 95-100.

Schiffer, L. J. and Juni, R. L. (1996). "Alternative Dispute Resolution in the Department of Justice." *Natural Resources and Environment* 11 (1): 11-12; 66.

Schoenbrod, David (1983). "Limits and Dangers of Environmental Mediation: A Review Essay." *New York University Law Review* 58 (6): 1453-1476.

Singer, D. (1992). "Arbitration Journal Report: The Use of ADR in Environmental Disputes." *Arbitration Journal* (March): 55-59.

Stein, Robert E. (1985). "The Settlement of Environmental Disputes: Towards a System of Flexible Dispute Settlement." *Syracuse Journal of International Law and Commerce* 12 (2): 283-298.

Susskind, Lawrence (1981). "Environmental Mediation and the Accountability Problem." *Vermont Law Review* 6 (Spring) (1): 1-47.

Susskind, L. (1978). "It's Time to Shift Our Attention from Impact Assessment to Strategies for Resolving Environmental Disputes." *Environmental Impact Assessment Review* 2 (October): 4-8.

Susskind, L. and Ozawa, Connie (1985). "Mediating Public Disputes: Obstacles and Possibilities." *Journal of Social Issues* 41 (Summer): 145-59.

Susskind, L. and Weinstein, Alan (1980). "Towards a Theory of Environmental Dispute Resolution." *Boston College Environmental Affairs Law Review* 9 (2): 311-357.

Szuhaj, Timothy J. (ed) (1991). "Symposium: Alternative Methods of Resolving Environmental Disputes." *Villanova Environmental Law Journal* 2 (1):1-55.

Wald, Patricia M.; Coulson, Robert; Cormick, Gerald W.; Willard, Richard K.; Morrison, Alan B.; and Bruff, Harold H. (1987). "Uses for Alternative Dispute Resolution: Better Ways to Resolve Some Public Sector Controversies." *Administrative Law Review* 1 (Fall): 479-507.

Wall Jr., James A. and Lynn, Ann. (1993). "Mediation A Current Review." *Journal of Conflict Resolution* 37 (1): 160-194.

Wall Jr., J. A. (1981). "Mediation: An Analysis, Review and Proposed Research." *Journal of Conflict Resolution* 25: 157-80.

Watson, John, L. and Danielson, Luke J. (1983). "Environmental Mediation." *Natural Resources Lawyer* 15 (Fall): 687-723.

### **Practice**

Bacow, Lawrence S. and Wheeler, Michael (1991). "Binding Parties to Agreements in Environmental Disputes." *Villanova Environmental Law Journal* 2: 99-101.

Buckle, Leonard G. and Thomas-Buckle, Suzann R. (1986). "Placing Environmental Mediation in Context: Lessons from 'Failed' Mediations." *Environmental Impact Assessment Review* 6 (March): 55-70.

Carnevale, Peter J. and Pegnetter, Richard (1985). "The Selection of Mediation Tactics in Public Sector Disputes: A Contingency Analysis" *Journal of Social Issues* 41 (2): 65-82.

Carpenter, Susan L. and Kennedy, W.J.D. (1985). "Managing Environmental Conflict by Applying Common Sense." *Negotiation Journal* 1 (April): 149-161.

Cobb, Sara (1997). "The Domestication of Violence in Mediation." *Law and Society Review* 31 (3): 397-440.

Colosi, Thomas (1983). "Negotiating in the Public and Private Sectors." *American Behavioral Scientist* 27 (Nov-Dec): 229-253.

Cooney, John F. (1993). "Face to Face - the Art of Negotiating: How, When, and Why." *Public Utilities Fortnightly* 131 (September) (16) pp. 10.

Cormick, Gerald W. (1992). "Environmental Conflict, Community Mobilization and the 'Public Good." *Studies in Law, Politics, and Society* 12: 309-329.

\_\_\_\_\_ (1989). "Strategic Issues in Structuring Multi-Party Public Policy Negotiations." *Negotiation Journal* 5 (2): 125-132.

\_\_\_\_\_ (1982). "The Myth, The Reality and The Future of Environmental Mediation." *Environment* 24 (7):14 and reprinted in *Urban Land* 41:9-13.

\_\_\_\_\_ (1982). "Intervention and Self-determination in Environmental Disputes: A Mediator's Perspective." *Resolve* 3 (1): 3-7.

\_\_\_\_\_ (1980). "Theory and Practice of Environmental Mediation." *Environmental Professional* 2 (1): 24-33.

\_\_\_\_\_ (1976). "Mediating Environmental Controversies: Perspectives and First Experience." *Earth Law Journal* 2 (3): 215-224.

Cormick, G.W. and Knaster, Alana. (1986). "Mediation and Scientific Issues: Oil and Fishing Industries Negotiate." *Environment* 28: 6

Costanza, Robert and Matthias, Ruth (1998). "Using Dynamic Modeling to Scope Environmental Problems and Build Consensus." *Environmental Management* 22(2): 183-195.

Dotson, A. Bruce (1983). "Who and How? Participation in Environmental Negotiation." *Environmental Impact Assessment Review* 4 (June): 203-217.

Fazzi, Cindy (1997). "Mediating Environmental Conflicts." Dispute Resolution Journal 140: 1-2.

Fisher, Roger and Keashly, Loraleigh (1988). "Third Party Interventions in Intergroup Conflict: Consultation is *Not* Mediation." *Negotiation Journal* 4 (October): 381-393.

Fisher, Ronald J. (1983). "Third Party Consultation as a Method of Intergroup Conflict Resolution." *Journal of Conflict Resolution* 27 (June): 301-334.

Gibson, Kevin; Thompson, Leigh; and Max H. Bazerman (1996). "Shortcomings of Neutrality in Mediation: Solutions Based on Rationality." *Negotiation Journal* 12 (1): 69-80.

Grad, Frank P. (1989). "ADR in Environmental Law." *Columbia Journal of Environmental Law* 14: 157-185.

Gunton, Thomas and Flynn, Sarah (1992). "Resolving Environmental Conflicts: The Role of Mediation and Negotiation." *Environment* 21: 12-16.

Hamilton, Michael S. (1991). "Environmental Mediation: Requirements for Successful Institutionalization." In: Mills, Miriam K. (ed). <u>Alternative Dispute Resolution in the Public Sector</u>. Chicago, IL: Nelson-Hall. pp.164-187.

Harrison, Joe (1997). "Environmental Mediation: The Ethical and Constitutional Dimension." *Journal of Environmental Law* 9 (1): 79-102.

Hettwer, Roderich (1991). "Ethical Factors in Environmental Negotiation." *Environmental Impact Assessment Review* 11 (September): 197-201.

Humm, William R. (1982). "A View from the Trenches (Mediation in Environmental Disputes)." *Technology Review* 85 (January): 49

Kovach, K. K. (1996). "Mediation for Mediators? If You Talk the Talk, You'd Better Walk the Walk: An Examination of How Dispute Resolvers Resolve Disputes." *Ohio State Journal on Dispute Resolution* 11: 403-431.

Lenz, Sydney S. (1986). "The Labor Model for Mediation and Its Application to the Resolution of Environmental Disputes." *The Journal of Applied Behavioral Science* 22: 127-139.

Levy, Lester (1995). "Mediation: A Case Study in Creative Structuring." *Environmental Compliance Litigation Strategy*. 22: 1-2.

Liepmann, Karen L. (1986). "Confidentiality in Environmental Mediation: Should Third Parties Have Access to the Process?" *Boston College Environmental Affairs Law Review* 14 (Fall): 93-129.

Lobel, Ira B. (1992). "Addressing Environmental Disputes with Labor Mediation Skills." *Arbitration Journal* 47 (September): 48-56.

Maguire, L.A. and Boiney, L.G. (1994). "Resolving Environmental Disputes - A Framework Incorporating Decision-Analysis and Dispute Resolution Techniques." *Journal of Environmental Management*, 42 (1): 31-48.

Marcus, Philip A. (1981). "A Procedure for Assessing Environmental Disputes." In: <u>Environmental</u> Conflict Management. Washington, DC: Council on Environmental Quality. pp. 34-47.

Miller, Alan and Cuff, Wilf (1986). "The Delphi Approach to the Mediation of Environmental Disputes." *Environmental Management* 10 (3): 321-330.

Mehta, Aseem (1997). "Resolving Environmental Disputes in the Hush-Hush World of Mediation: A Guideline for Confidentiality." *Georgetown Journal of Legal Ethics* 10 (3): 521-540.

Pinzon, L. A. (1996). "The Production of Power and Knowledge in Mediation." *Mediation Quarterly* 14 (1): 3-20.

Pou Jr., Charles (1997). "'Wheel of Fortune' or 'Singled Out?' " How Rosters 'Matchmake' Mediators." *Dispute Resolution Magazine* (Spring):10-13.

Ruskin, William A. (1993). "The Use of 'Principled Negotiation' in Resolving Environmental Disputes." *American Journal of Trial Advocacy* 17: 225.

Sander, F.E.A. and Goldberg, S.B. (1994). "Fitting the Forum to the Fuss-A User-Friendly Guide to Selecting an ADR Procedure." *Negotiation Journal-On the Process of Dispute Settlement* 10 (1):49-68.

Shorett, Alice J. (1980). "The Role of the Mediator in Environmental Disputes." *Environmental Professional* 2 (1): 58-61.

Sipe, Neil G. (1998). "An Empirical Analysis of Environmental Mediation." *Journal of the American Planning Association* 64 (3): 275-285.

Smith, L. Graham; Nell, Carla Y.; and Prystupa, Mark V. (1997). "The Converging Dynamics of Interest Representation in Resource Management." *Environmental Management* 21 (2): 139-146.

Sorensen, John H.; Soderstrom, Jon; and Carnes, Sam A. (1984). "Sweet for the Sour: Incentives for Environmental Mediation." *Environmental Management* 8 (July): 287-294.

Susskind, Lawrence (1986). "Evaluating Dispute Resolution Experiments." *Negotiation Journal* 2 (2): 135-140.

\_\_\_\_\_ (1985). "Mediating Public Disputes." Negotiation Journal 1 (1): 19-22.

\_\_\_\_\_ (1985). "Mediating Public Disputes: A Response to the Skeptics." *Negotiation Journal* 1 (2): 117-120.

Tompkins, Raymond E. (1996). "Mediation, the Mediator, and the Environment." *Natural Resources and Environment* 11: 27-30; 68.

Vasseur, Liette; LaFrance, Lise; Ansseau, Colette; Renaud, Dominique; Morin, Daniel; and Audet, Therese (1997). "Advisory Committee: A Powerful Tool for Helping Decision Makers in Environmental Issues." *Environmental Management* 21 (3): 359-365.

Venter, Andrew K. and Breen, Charles M. (1998). "Partnership Forum Framework: Participative Framework for Protected Area Outreach." *Environmental Management* 22(6): 803-815.

Waldman, E. A. (1997). "Identifying the Role of Social Norms in Mediation: A Multiple Model." *Hastings Law Journal* 48 (April): 703-769.

Wondolleck, Julia (1988). "The Role of Training in Providing Opportunities for Environmental and Natural Resource Dispute Resolution." *Environmental Impact Assessment Review* 8 (Sep): 233-248.

Wondolleck, Julia (1985). "The Importance of Process in Resolving Environmental Disputes." *Environmental Impact Assessment Review* 5 (Dec): 341-356.

#### **Resource Allocation -- Land, Water, Natural Resources**

Brunn, E. Jutta and Toope, Stephen J. (1997). "Environmental Security and Freshwater Resources: Ecosystem Regime Building." *The American Journal of International Law* 91 (1): 26-59.

Carr, Deborah S.; Selin, Steven W.; and Schuett, Michael A. (1998). "Managing Public Forests: Understanding the Role of Collaborative Planning." *Environmental Management* 22 (5): 767-776.

Charla, Leonard F., and Parry, Gregory J. (1991). "Mediation Services: Successes and Failures of Site-Specific Alternative Dispute Resolution." Symposium Issue on Alternative Methods of Resolving Environmental Disputes. *Villanova Environmental Law Journal* 2: 89-97.

Curtis, Allan (1998). "Agency-Community Partnership in Landcare: Lessons for State-Sponsored Citizen Resource Management." *Environmental Management* 22 (4): 563-574.

Curtis, Fred A. (1991, Spring). "Private Agreements in Residential Development Disputes." *Mediation Quarterly* 8 (3): 225-237.

Davis, Ray J. (1988). "Settling Flood Hazard Conflict: The Utah Lake and Jordan River Experience." *Journal of Energy Law and Policy* 8 (2): 199-222.

Delli Priscoli, Jerome (1987). "Conflict Resolution for Water Resource Projects: Using Facilitation and Mediation to Write Section 404 General Permits." *Environmental Impact Assessment Review* 7 (December): 313-326.

Dembart, Lee and Kwartler, Richard (1980). "The Snoqualmie River Conflict: Bringing Mediation into Environmental Disputes." In: Goldman (ed). Roundtable Justice. Boulder, CO: Westview Press.

Dotson, Bruce and Frame, Doug (1983). "Resolving Land Use Disputes Using Outside Mediators." *Newsletter of the Virginia Chapter, American Planning Association* (Fall): 10-11.

Dorius, Noah (1993). "Land Use Negotiation: Reducing Conflict and Creating Wanted Land Uses." *American Planning Association Journal* 59 (Winter) (1): 101-106.

Environmental Law Reporter (1981). "Calm after the Storm: Grandmother of Environmental Lawsuits Settled by Mediation." *Environmental Law Reporter* 11 (3/4): 10074-10077.

Forester, John (1987). "Planning in the Face of Conflict: Negotiation and Mediation Strategies in Local Land Use Regulation." *American Planning Association Journal* 53 (3): 303-314.

Godshalk, David R. (1992). "Negotiating Intergovernmental Development Policy Conflicts." *American Planning Association Journal* 58 (3): 368-378.

Groy, Jeffrey B., and Elliott, Donald L. (1988/9). "Using Arbitration and Mediation to Resolve Land Use Disputes." *Current Municipal Problems* 15 (2): 190-210.

Halbert, Condy L. and Lee, Kai N. "The Timber, Fish and Wildlife Agreement: Implementing Alternative Dispute Resolution in Washington State." *The Northwest Environmental Journal* 6 (Spring): 139.

Huser, Verne (1986). "Mediating Forestry Issues." American Forests 92 (October): 29(6p).

Johnson, Jeffery P. (1986). "Negotiating Environmental and Development Disputes." *Journal of Planning Literature* 1 (Autumn): 509-521.

Kaiser, Ronald A. and Phillips, Laura M. (1998). "Dividing the Waters: Water Marketing as a Conflict Resolution Strategy in the Edwards Aquifer Region." *Natural Resources Journal* 38 (3): 34.

Kartez, Jack D. (1991). "Planning for Cooperation in Environmental Dilemmas." *Journal of Planning Literature* 5 (February): 226-237.

Kartez, J. D. and Bowman, Peter (1993). "Quick Deals and Raw Deals: A Perspective on Abuses of Public ADR Principles in Texas Resource Conflicts." *Environmental Impact Assessment Review* 13: 319-330.

Kaufman, Edward; Oppenheimer, Joy; Wolf, Aaron T.; and Dinar, Ariel (1997). "Transboundary Fresh Water Disputes and Conflict Resolution: Planning an Integrated Approach." *Water International* 22 (1): 37-48.

Kilgore, Michael A.; Ellefson, Paul V.; and Rose, Gerald A. (1996). "Innovative Forestry Initiatives: Minnesota Prepares for the Future." *Journal of Forestry* 94 (1): 21-25.

Krannich, Richard S. and Smith, Michael D. (1998). "Local Perceptions of Public Lands Natural Resource Management in the Rural West: Toward Improved Understanding of the 'Revolt in the West.'" *Society and Natural Resources* 11 (7): 677-696.

Lackey, Robert T. (1998). "Ecosystem Management: Paradigms and Prattle, People and Prizes." *Renewable Resources Journal* 16 (1): 8-13.

MaCool, Daniel (1993). "Intergovernmental Conflict and Indian Water Rights: an Assessment of Negotiated Settlements." *Publius* 23 (1): 85 (17pages).

MacDonnell, Lawrence J. (1988). "Natural Resource Dispute Resolution: An Overview." (Special Issue: Environmental Dispute Resolution). *Natural Resources Journal* 28: 5-19.

McCubbin, Patricia R. (1989). "Consensus through Mediation: A Case Study of the Chesapeake Bay Land Use Roundtable and the Chesapeake Bay Preservation Act." *The Journal of Law and Politics* 5 (Summer): 827-863.

McEwen, Craig A. (1992). Environmental and Community Disputes: A Commentary." *Studies in Law Politics and Society Annual* 12: 331-341.

Menkel-Meadow, Carrie (1997). "Introduction: What Will We Do When Adjudication Ends? A Brief Intellectual History of ADR." *UCLA Law Review* 44: 1613-1630.

Moore, Christopher W. "Mediating and Facilitating Natural Resource Disputes." *Colorado Lawyer* 18 (5): 893-895.

Moote, M. A. and M. P. McClaran (1997). "Viewpoint: Implications of Participatory Democracy for Public Land Planning." *Journal of Range Management* 50 (5): 473-481.

Netter, Edith M. (1992). "Using Mediation to Resolve Land Use Disputes." *Zoning and Planning Law Report* 15 (4): 25-27.

Nyhart, J.D. (1983). "Negotiating Conflict Over Marine Resources: The Use of Multiparty Models." *Environmental Impact Assessment Review* 4 (December): 557-560.

Proctor, James D. (1998). "Environmental Values and Popular Conflict Over Environmental Management: A Comparative Analysis of Public Comments on the Clinton Forest Plan." *Environmental Management* 22 (3): 347-358.

Purdum, Todd S. (1998). "This Time, Los Angeles May Lose Water War." *New York Times* 147 (544): 2.

Robbins, J. Im (1998). "Working to Share Water in the West." New York Times, n/a, p. 2.

Rowland, Melanie J. (1992). "Bargaining for Life: Protecting Biodiversity through Mediated Agreements." *Environmental Law* 22 (2): 503-527.

Satterfield, Theresa and Gregory, Robin (1998). "Reconciling Environmental Values and Pragmatic Choices." *Society and Natural Resources* 11 (7): 629-648.

Snelder, Daniel (1997). "Forest Gumption: Blueprint For a Green Compromise." *Christian Science Monitor* 89 (163): 4.

Staff, 1999. "Common Ground Roundtable Links Ranching, Environmental Concerns." *The Copper Era* 100 (5): 11.

Sussaman, John C. Jr. (1992). "Siting Without Fighting: The Role of Mediation in Enhancing Public Participation in Siting Radioactive Waste Facilities." *Albany Law Journal of Science and Technology Annual* 2: 207-239.

Susskind, Lawrence (1987). "Negotiating Better Development Agreements." *Negotiation Journal* 3 (1): 11-16.

Susskind, L. and McCreary, Scott (1985). "Techniques for Resolving Coastal Resource Management Disputes through Negotiation." *APA Journal* (Summer): 365-374.

Susskind, L.; McMahon, Gerard; and Rolley, Stephanie (1987). "Mediating Development Disputes: Some Barriers and Bridges to Successful Negotiation." *Environmental Impact Assessment Review* 1 (June): 127-138.

Thorson, John E. (1992). "Negotiated Approaches to Managing Water and Related Resources: The Institutional Spectrum" In: *Beyond Borders, 1991 Proceedings of 19th Annual Conference of Society of Professionals in Dispute Resolution*. Washington, DC: SPIDR.

Wolfire, Deanna M.; Brunner, Jake; and Sizer, Nigel (1998). "Forests and the Democratic Republic of Congo: Opportunity in a Time of Crisis." *Forest Frontiers Initiative* 1: 1-28.

Woolf, Jim (1997). "Seeking Common Ground in Land Debate." The Salt Lake Tribune 181: A1-A13.

### **Public Administration and Environmental Dispute Resolution**

Bennett, Keith and McBeth, Mark K. (1998). "Contemporary Western Rural USA Economic Composition: Potential Implications for Environmental Policy and Research." *Environmental Management* 22 (3): 371-381.

Carduff, Susan B. (1981). "Environmental Mediation in a Federal Agency." In: <u>Environmental Conflict Management</u>. Washington, DC: Council on Environmental Quality. pp. 48-55.

Fischer, John (1993). "Local Governments and Alternative Dispute Resolution. New Solutions to Environmental Problems." *Public Management* (August): 16-20.

Gelhourne, Walter; Dunlop, John T.; Edwards, Harry T; and Kuhl, Carolyn B. (1987). "Alternative Means of Dispute Resolution in Government: A Sense of Perspective." *Administrative Law Review* 1 (Fall): 459-477.

Glasbergen, Peter (1998). "Modern Environmental Agreements: A Policy Instrument Becomes a Management Strategy." *Journal of Environmental Planning and Management* 41 (6): 693-710.

Harter, Philip J. (1987). "Points on a Continuum: Dispute Resolution Procedures and the Administrative Process." *Administrative Law Journal* 1 (Summer): 141-211.

Hunter, Susan and Brisbin, Richard A. (1991). "The Ideology of Dispute Processing in State Agencies." *The Western Political Quarterly* 44 (September): 698-726.

Lyons, Terrence M. (1989). "Negotiating with Environmental Regulatory Agencies: Working Toward Harmony." (The Master Environmental Lawyer's Edition) *Air Force Law Review* 31 (Spring): 201-223.

Manring, Nancy J. (1994). "ADR and Administrative Responsiveness: Challenges for Public Administrators." *Public Administration Review* 54 (2): 197-203.

\_\_\_\_\_(1993). "Dispute Systems Design and the U.S. Forest Service." *Negotiation Journal* 9 (January) (1): 13-21.

\_\_\_\_\_\_(1991). "Institutionalizing Alternative Dispute Resolution Approaches Within Natural Resource Agencies: Lessons From the U.S. Forest Service" In: *The Next Decade: Designing Dispute Resolution Systems*, 1990 Proceedings of 18th Annual Conference of Society of Professionals in Dispute Resolution. Washington, DC:SPIDR.

Manring, N. J.; West, Patrick C.; and Bidol, Patricia (1990). "Social Impact Assessment and Environmental Conflict Management: Potential for Integration and Application." *Environmental Impact Assessment Review* 10 (September): 253.

Peterson, Lynn (1992). "The Promise of Mediated Settlements of Environmental Disputes: The Experience of EPA Region V." *Columbia Journal of Environmental Law* 17: 327-380.

Pops, Gerald M. and Stephenson, Max D. (1988). "Public Administrators and Conflict Resolution: Problems and Prospects." *Policy Studies Journal* 16 (Spring) (3): 614-626.

Purdy, J.M. and Gray, B. (1994). "Government Agencies as Mediators in Public-Policy Conflicts." *International Journal of Conflict Management* 5 (2): 158-180.

Rennie, Sandra M. (1989). "Kindling the Environmental ADR Flame: Use of Mediation and Arbitration in Federal Planning, Permitting, and Enforcement." *Environmental Law Reporter* 19 (November): 10479-10484.

Riggs, Douglas A. and Dorminey, Elizabeth K. (1987). "Federal Agencies' Use of Alternative Means of Dispute Resolution." *Administrative Law Journal* 1 (Fall): 125-139.

Rodwin, Marc A. (1982). "Can Bargaining and Negotiation Change the Administrative Process?" *Environmental Impact Assessment Review* 3 (December): 373-386.

Susskind, L.; Babbitt, Eileen F.; and Segal, Phyllis N. (1993). "When ADR Becomes the Law: A Review of Federal Practice." *Negotiation Journal* 9 (January) (1): 59-75.

## **Facilities Siting--Mediation, Facilitated Negotiations**

Bingham, Gail (1985). "Prospects for Negotiation of Hazardous Waste Siting Disputes." ABA Standing Committee Symposium, Siting of Hazardous Waste Facilities & Transport of Hazardous Substances. *Environmental Law Reporter* 15 (August): 10249-10251.

Burkardt, Nina; Lamb, Burton Lee; and Taylor, Jonathan G. (1998). "Desire to Bargain and Negotiation Success: Lessons About the Need to Negotiate from Six Hydropower Disputes." *Environmental Management* 22 (6): 877-886.

Franz, Robert; Cramer, Steven; and Ruhl B. Suzi (1985). Panel Discussion (Part 2). ABA Standing Committee Symposium, Siting of Hazardous Waste Facilities & Transport of Hazardous Substances. *Environmental Law Reporter* 15 (August): 10258-10261.

Holznagle, Bernd (1986). "Negotiation and Mediation: The Newest Approach to Hazardous Waste Facility Siting." *Boston College Environmental Affairs Law Review* 13: 329-378.

Mank, Bradford C. (1991). "The Two-headed Dragon of Siting and Cleaning Up Hazardous Waste Dumps: Can Economic Incentives or Mediation Slay the Monster?" *Boston College Environmental Affairs Law Review* 19 (Winter): 239-85.

McGuire, James E. (1986). "The Dilemma of Public Participation in Facility Siting Decisions and the Mediation Alternative." Symposium: Solid & Hazardous Waste Siting - New Jersey's Dilemma. *Seton Hall Legislative Journal* 9 (Winter): 467-473.

Merkhofer, Miley W.; Conway, Rarilee; and Anderson, Robert G. (1997). "Multi-attribute Utility Analysis as a Framework for Public Participation in Siting a Hazardous Waste Management Facility." *Environmental Management* 21 (6): 831-839.

Quinn, Robert J. and Leschine, Thomas M. (1986). "Toward Analysis-Aided Mediation of Ocean Disposal Site-Selection Controversies: An Application of Judgement Analysis." *Policy Studies Review* 6 (2): 399.

Sandman, Peter M., and Lanard, James S. (1986). "Getting to Maybe: Some Communications Aspects of Siting Hazardous Waste Facilities." Symposium: Solid & Hazardous Waste Siting - New Jersey's Dilemma. *Seton Hall Legislative Journal* 9 (Winter): 437-465.

Susskind, Lawrence (1990). "A Negotiation Credo for Controversial Siting Disputes." *Negotiation Journal* 6 (4): 309-314.

# Administrative Rulemaking--Negotiated Regulations, Standard Setting

Doniger, David D. (1987). "Negotiated Rulemaking at the EPA: Examples of Wood Stove Emissions and Truck Engine Emissions." *Environmental Law Reporter* 17 (July): 10251-10254.

Eisenberg, Melvin A. (1976). "Private Ordering through Negotiation: Dispute-Settlement and Rulemaking." *Harvard Law Review* 89 (Feb): 637-81.

Ferguson, Scott (1987). "Industry-Environmental Negotiation: The FIFRA Experience (Negotiated Rulemaking Part C)." Standing Committee Symposium on the Role of Private Institutions in Public Environmental Decision-making. *Environmental Law Reporter* 17 (July): 10249-10251.

Fiorino, Daniel J. (1988). "Regulatory Negotiation as a Policy Process." *Public Administration Review* 48 (July-August): 764-772.

Fiorino, R. and Kirtz, C. (1985). "Breaking Down Walls: Negotiated Rulemaking at EPA." *Temple Environmental Law and Technical Journal* 4: 29-40.

Gusman, Sam (1983). "Selecting Participants for a Regulatory Negotiation." *Environmental Impact Assessment Review* 4: 195-202.

Hall, Lavinia (1988, Spring). "Bending the Rules: Negotiating Rules in Administrative Agencies." *Policy Studies Journal* 16 (3): 533-584.

Harter, Philip J. (1987). "Negotiated Rulemaking: An Overview." *Environmental Law Reporter* 17 (July): 10245-10247.

Harter, Philip J. (1986). "The Role of the Courts in Reg-Neg - A Response to Judge Wald." *Columbia Journal of Environmental Law* 11 (1): 51-72.

Harter, Philip J. (1982). "Negotiating Regulations: A Cure for Malaise." *Georgetown Law Journal* 71 (October) 1-118.

Lassila, Katherin D. (1992). "See You Later Litigator: Regulatory Negotiation toward Consensus (Washington Watch)." *The Amicus Journal* 14 (2): 5-6.

Marcus, Alfred A.; Nadel, Mark V.; and Merrikin, Karen. (1984). "The Applicability of Regulatory Negotiation to Disputes Involving the Nuclear Regulatory Commission." *Administrative Law Review* 36 (Summer): 213-238.

Olpin, Owen; Doniger, David; Crohn, Madeleine; Schatzow, Steven; Calvani, Terry; and Eisner, Neil. (1987). "Applying Alternative Dispute Resolution to Rulemaking." *Administrative Law Journal* 1 (Fall): 575-588.

O'Reilly, James T. (1994). "Environmental Racism, Site Clean-up and Inner City Jobs: Indiana's Urban In-fill Incentives." *Yale Journal on Regulation* 11(Winter): 43-73.

Perritt Jr., Henry H. (1987). "Administrative Alternative Dispute Resolution: The Development of Negotiated Rulemaking and Other Process." *Pepperdine Law Review* 14: 863-928.

\_\_\_\_\_ (1986). "Negotiated Rulemaking in Practice." *Journal of Policy Analysis and Management* 5 (Spring): 482-95.

\_\_\_\_\_ (1986). "Negotiated Rulemaking before Federal Agencies: Evaluation of Recommendations by the Administrative Conference of the United States." *Georgetown Law Journal* 74: 1625-1717.

Protasel, Greg J. (1991). "Resolving Environmental Conflicts: Neocorporatism, Negotiated Rule-Making, and the Timber/Fish/Wildlife Coalition in the State of Washington." In: Mills, Miriam K. (ed). <u>Alternative</u> Dispute Resolution in the Public Sector. Chicago, IL: Nelson-Hall.

Richard, Debra (1993). "Regulatory Negotiation: An Assessment of Its Application." *Environmental Impact Assessment Review* 13: 189-198.

Richardson, James R. (1991). "Overcoming Obstacles to Negotiating Electric Utility Industry Regulations." *Negotiation Journal* (January): 41-53.

Rose-Ackerman, Susan. (1994). "Consensus Versus Incentives: A Skeptical Look At Regulatory Negotiation." *Duke Law Journal* 43(April): 1206-1220.

Schneider, Peter and Tohn, Ellen (1985). "Success in Negotiating Environmental Regulations." *Environmental Impact Assessment Review* 5 (March): 67-77.

Stephenson, Max D. and Pops, Gerald M. (1991). "Public Administrators and Conflict Resolution: Democratic Theory, Administrative Capacity, and the Case of Negotiated Rulemaking." In: Mills, Miriam K. (ed). Alternative Dispute Resolution in the Public Sector. Chicago, IL: Nelson-Hall. pp.13-25.

Sunoo, Jan Jung-Min and Falkner, Juliette A. (1999). "Regulatory Negotiations: The Native American Experience." In: Susskind, Lawrence M. (ed). <u>The Consensus Building Handbook: A Comprehensive</u> Guide to Reaching Agreement. Thousand Oaks, CA: Sage Publications. pp. 901-922.

Susskind, Lawrence (1987). "Standard Setting by Consent: A Case History." Standing Committee Symposium on the Role of Private Institutions in Public Environmental Decisionmaking. *Environmental Law Reporter* 17 (July): 10242-10245.

Susskind, L. and McMahon, Gerard (1985). "The Theory and Practice of Negotiated Rulemaking." *Yale Journal of Regulation* 3 (1): 133-165.

Susskind, L., and Ozawa, Connie (1983). "Mediated Negotiation in the Public Sector." *American Behavioral Scientist* 27 (Nov-Dec): 255-279.

van Hook, Evan (1993). "Conservation through Cooperation: the Collaborative Planning Process for Utility Conservation and Load Management." *Yale Law Journal* 102 (5): 1235-1263.

# Regulatory Enforcement--Liability Claims, Compliance Agreements

Anderson, Frederick R. (1985). "Negotiation and Informal Agency Action: The Case of Superfund." *Duke Law Journal* Volume 1985 (2):261-380.

Burton, Lloyd (1988). "Negotiating the Cleanup of Toxic Groundwater Contamination: Strategy and Legitimacy." *Natural Resources Journal* 28 (1):105-144.

Franz, Robert W. (1992). "Superfund Settlements: A Vanishing Breed." *Natural Resources & Environment* 6 (3): 14-17; 50-51.

Gilbert, Glen C. (1989). "Alternative Dispute Resolution and Superfund A Research Guide." *Ecology Law Quarterly* 16 (3): 803-856.

Hensler, Deborah R. (1990). "Assessing Claims Resolution Facilities: What We Need to Know." *Law and Contemporary Problems* 53 (4):175-188.

Hill, Barry E. (1991). "Negotiating Superfund Mixed Funding Settlements." *Environmental Law Reporter* 21 (November): 10651-10657.

Langbein, Laura and Kerwin, Cornelius M. (1985). "Implementation, Negotiation and Compliance in Environmental and Safety Regulation." *The Journal of Politics* 47 (August): 854-880.

Mays, Richard H. (1988). "Alternative Dispute Resolution and Environmental Enforcement: A Noble Experiment or A Lost Cause?" *Environmental Law Reporter* 18 (3): 10087-10097.

\_\_\_\_\_ (1986). "The Need for Innovative Environmental Enforcement." *Environmental Forum* 4 (March): 7-14.

Mintz, Hoel A. (1988). "Agencies, Congress and Regulatory Enforcement: A Review of EPA's Hazardous Waste Enforcement Effort, 1970-1987." *Environmental Law* 18: 683-777.

Nakamura, Robert T.; Church, Thomas W.; and Cooper, Philip J. (1991). "Environmental Dispute Resolution and Hazardous Waste Cleanups: A Cautionary Tale of Policy Implementation." *Journal of Policy Analysis and Management* 10 (Spring): 204-21.

Pratt, Staci. J.; Ron Jones; and Angela Cupp (1996). "Alternative Dispute Resolution As a Means of Addressing Agricultural Pollution." *Hamline Law Review* 20: 395-429.

Rickleen, Lauren S. (1988). "Alternative Dispute Resolution and the Enforcement of Environmental Laws: Can They Overlap?" *Boston Bar Journal* 32 (1): 29-32.

Stiftel, Bruce and Sipe, Neil G. (1992). "Mediation of Environmental Enforcement: Overcoming Inertia." *Journal of Dispute Resolution* Volume 1992 (Fall): 303-324.

### Public Policy Making -- Policy Dialogues, Negotiating Risk

Carpenter, Susan L. and Kennedy, W.J.D. (1988). "Denver Metropolitan Water Roundtable: A Case Study in Researching Agreements." Special Issue: Environmental Dispute Resolution. *Natural Resources Journal* 28: 21-35.

Gaffney, Frank and Loeffler, Robert (1991). "State-Sponsored Environmental Mediation: The Alaska Forest Practices Act." *Environmental Impact Assessment Review* 11 (December): 311.

Gladwin, Thomas N.; Newburry, William E.; and Reiskin, Edward D. (eds) (1997). "Why is the Northern Elite Mind Biased Against Community, the Environment, and a Sustainable Future?" In: Bazerman, M. H.; Messick, D. M.; and Tenbrunsel, A. E. <u>Environment, Ethics, and Behavior</u>. The Lexington Press pp. 234-274.

Gusman, Sam and Harter, Philip J. (1986). "Mediating Solutions to Environmental Risks." *Annual Review of Public Health* 7: 293-312.

Hunter, Susan (1984). "An Inquiry into Policy Conflict: the Ontological Basis of Environmental Policy Disputes." Thesis. Ohio State University. Columbus, Ohio.

Kunde, James E. and Rudd, Jill E. (1988). "The Role of Citizen Groups in Policy Conflicts." In: Laue, J.H. (ed). "Using Mediation to Shape Public Policy." Mediation Quarterly (20) San Francisco, CA: Jossey-Bass.

Levinson, Alfred (1988). "Environmental Dispute Resolution and Policy Making." *Policy Studies Journal* 16 (3): 575-584.

Mandell, M. P. (ed) (1999). "The Impact of Collaborative Efforts: Changing the Face of Public Policy Through Networks and Network Structures." *Policy Studies Review* 16 (1): 4-243.

McKinney, Matthew (1992). "Designing a Dispute Resolution System for Water Policy and Management." *Negotiation Journal* (April): 153-164.

Nash, Jennifer and Susskind, Lawrence (1987). "Mediating Conflict over Dioxin Risks of Resource Recycling: Lessons from a Flawed Process." *Environmental Impact Assessment Review* 7 (Mar): 79-83.

Susskind, Lawrence and Ozawa, Connie (1985). "Mediating Science-Intensive Public Policy Disputes." Department of Urban Studies and Planning, Massachusetts Institute of Technology. Cambridge, MA.

## **Civil Enforcement -- Court-Ordered Mediation, Negotiated Settlements**

Bingham, Gail; Anderson, Frederick R.; Silberman, R. Gaull; Habicht F. Henry; Zoll, David F.; and Mays, Richard H. (1987) "Applying Alternative Dispute Resolution to Government Litigation and Enforcement Cases." *Administrative Law Review* 1(Fall): 527-551.

Duryee, M. (1985). "Public-sector Mediation: A Report from the Courts." *Mediation Quarterly* 8: 47-56.

Hensler, Deborah R. (1991). "Science in the Court: Is There a Role for Alternative Dispute Resolution?" *Law and Contemporary Problems* 54 (Summer): 171-93.

Simandle, Jerome B. (1991). "Resolving Multi-Party Hazardous Waste Litigation." Symposium Issue on Alternative Methods of Resolving Environmental Disputes. *Villanova Environmental Law Journal* 2: 111-141B.

Susskind, Lawrence (1987). "The Special Master as Environmental Mediator." Standing Committee Symposium on the Role of Private Institutions in Public Environmental Decisionmaking. *Environmental Law Reporter* 17 (July): 10239-10241.

Wald, Judge Patricia (1985). "Negotiation of Environmental Disputes: A New Role for the Courts?" *Columbia Journal of Environmental Law* 10 (Winter): 1-33.

Wissler, R. L. (1997). "The Effects of Mandatory Mediation: Empirical Research on the Experience of Small Claims and Common Pleas Courts." Willamette Law Review 33(3): 565-604.

Wissler, R. L. (1997). "Evaluation of Settlement Week Mediation." *Prepared for the Supreme Court of Ohio Committee on Dispute Resolution* (October).

#### **Critical Literature**

Adler, Peter; Lovaas, Karen; and Milner, Neal (1988). "The Ideologies of Mediation: The Movement's Own Story." *Law and Policy* 10 (4): 317-339.

Amy, Douglas J. (1990). "Environmental Dispute Resolution: The Promise and the Pitfalls." In: Vig, Norman J. and Kraft, Michael E. <u>Environmental Policy in the 1990s</u>. Washington, DC: Congressional Quarterly Press. pp. 211-234.

\_\_\_\_\_(1983). "The Politics of Environmental Mediation." *Ecology Law Quarterly* 11 (1): 1-19.

\_\_\_\_\_(1983). "Environmental Mediation: An Alternative Approach to Policy Stalemates." *Policy Sciences* 15: 345-365.

Blackburn, J. Walton (1988). "Environmental Mediation as an Alternative to Litigation: The Emerging Practice and Limitations." *Policy Studies Journal* 16 (3): 562-574. Also, In: Mills, Miriam K. (ed) (1991). Alternative Dispute Resolution in the Public Sector. Chicago, IL: Nelson-Hall. pp.123-142.

Brock, Jonathan (1991). "Mandated Mediation: A Contradiction in Terms: Lessons from Recent Attempts to Institutionalize Alternative Dispute Resolution Practices." Symposium Issue on Alternative Methods of Resolving Environmental Disputes. *Villanova Environmental Law Journal* 2: 57-87.

Brunet, Edward (1988). "The Costs of Environmental Alternative Dispute Resolution." *Environmental Law Reporter* 18 (December): 10515-10517.

Burton, Lloyd (1990). "Ethical Discontinuities in Public-Private Sector Negotiation." *Journal of Policy Analysis and Management* 9 (Winter): 23-40.

Canan, Penelope (1992). "Environmental Disputes in Changing Urban Political Economies: A Dynamic Research Approach." *Studies in Law, Politics and Society Annual* 12: 288-309.

Dinkins, Carol E. (1984). "Shall We Fight or Will We Finish: Environmental Dispute Resolution in a Litigious Society." *Environmental Law Reporter* 14 (November): 10398-10401.

Edwards, Harry T. (1986). "Alternative Dispute Resolution: Panacea or Anathema?" *Harvard Law Review* 99 (3): 668-684.

Fiss, Owen (1984). "Against Settlement." Yale Law Journal 93 (6): 1073-1090.

Forester, John (1992). "Envisioning the Politics of Public Sector Dispute Resolution." *Studies in Law, Politics, and Society* 12: 247-286.

Forester, John and Stitzel, David (1989). "Beyond Neutrality: The Possibilities of Activist Mediation in Public Sector Conflicts." *Negotiation Journal* 5 (July): 251-264.

Galanter, Marc (1983). "Reading the Landscape of Disputes: What We Know and Don't Know (And Think We Know) About Our Allegedly Contentious and Litigious Society." *UCLA Law Review* 31 (Oct): 4-71.

Harrington, Christine B. (1985). "Socio-Legal Concepts in Mediation Ideology." *Legal Studies Forum* 9 (1): 33-39.

Harrington, Christine B. and Merry, Sally E. (1988). "Ideological Production: The Making of Community Mediation." *Law & Society Review* 22 (4): 709-35.

Menkel-Meadow, Carrie (1991). "Pursuing Settlement in an Adversary Culture: A Tale of Innovation Co-opted or the 'Law of ADR." *Florida State University Law Review* 19: 1-46.

Miller, Richard E., and Sarat, Austin (1980-1). "Grievances, Claims and Disputes: Assessing the Adversary Culture." *Law and Society Review* 15 (3-4): 525-565.

Modavi, Neghin (1991). "The Political Economy of Environmental Conflicts: An Analytical Framework." *The International Journal of Conflict Management* 2 (1): 27-44.

Percival, Robert V. (1992). "The Ecology of Environmental Conflict: Risk, Uncertainty, and the Transformation of Environmental Policy Disputes." *Studies in Law, Politics and Society* 12: 209-246.

Pruitt, Dean G., and Kressel, Kenneth (1985). "The Mediation of Social Conflict: An Introduction." *Journal of Social Issues* 41 (2): 1-11.

Sarat, Austin (1988). "Alternative Dispute Resolution: Wrong Solution, Wrong Problem." *Proceedings of the Academy of Political Science* 27 (1): 162-73.

Sarat, Austin (1988). "The 'New Formalism' in Disputing and Dispute Processing." *Law and Society* 21 (5): 695-715.

Silbey, Susan S. (1993). "Mediation Mythology." Negotiation Journal 9 (14): 349-353.

Vidmar, Neil (1992). "Procedural Justice and Alternative Dispute Resolution." *Psychological Science* 3 (4): 224.

### **International Environmental Conflicts**

Craik, A. Neil (1998). "Recalcitrant Reality and Chosen Ideals: The Public Function of Dispute Settlement in International Environmental Law." *Georgetown International Environmental Law Review* 10(2): 551-580.

Dryzek, John S. and Hunter, Susan (1987). "Environmental Mediation for International Problems." *International Studies Quarterly* 31 (March): 87-102.

Freese, L. Richard and Spagnola, Robert (1997). "New Challenges in International Commercial Disputes: ADR Under NAFTA." *The Colorado Lawyer* 26 (9): 61-63.

Lesher, Dave and Sheridan, Mary Beth (1999). "Davis Builds Bridges in Relations With Mexico" *Times*, pp. 1-A.

Ley-Borras, Roberto (1998). "Using Decision Frames in NAFTA Intranational Conflicts." *Policy Studies Review* 15(2/3): 101-115.

Lopez, David (1997). "Dispute Resolution Under MERCOSUR from 1991 to 1996: Implications for the Formation of a Free Trade Area of the Americas." *NAFTA: Law and Business Review of the Americas* 3(2): 3-32.

Susskind, Lawrence; Chayes, Abram; and Janet Martinez (1996). "Parallel Informal Negotiation: A New Kind of International Dialogue." *Negotiation Journal* 12 (1): 19-27.

Vinocur, John (1997). "The Nomadic Life Dries Up in Arabia." *International Herald Tribune*, pp. 1, 7.

Zartman, William I. (1992). "International Environmental Negotiation: Challenges for Analysis and Practice." *Negotiation Journal* 8 (2): 113-124.

### **Environmental Justice**

Carter, R. H. (1999). "The 'Circle of Poison' Remains Unbroken: Pesticide Poisoning in Northern Sonora, Mexico During the Era of Free Trade." Udall Center for Studies in Public Policy. Tucson, Arizona: The University of Arizona

Clarke, Jeanne Nienaber and Gerlak, Andrea K. (1998). "Environmental Racism in the Sunbelt? A Cross-Cultural Analysis." *Environmental Management* 22 (6): 857-867.

Cornell, S. (1999). *Strategic Analysis for Native Nations*. Udall Center for Studies in Public Policy Tucson, Arizona: The University of Arizona. pp. 31